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APR 03 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, vs. Joel Enrique GASTELUM-Valenzuela, Defendant.	Magistrate Case No.: '08 MJ 828 COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about April 2, 2008, within the Southern District of California, defendant Joel Enrique GASTELUM-Valenzuela did knowingly and intentionally import approximately 21.16 kilograms (46.552 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3RD, DAY OF April 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Joel Enrique GASTELUM-Valenzuela

STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to US Immigration and Customs Enforcement Special Agent Reuben McDowell.

On April 2, 2008, at approximately 0356 hours, Joel Enrique GASTELUM-Valenzuela entered the United States at the Calexico, California, West Port of Entry. Customs and Border Officer (CBPO) P. Farrier was manning primary. CBPO Farrier received a negative oral Customs declaration from GASTELUM. During routine questioning, GASTELUM said he was going to El Centro to work. CBPO Farrier observed that GASTELUM made no eye contact. GASTELUM stated that he owned the vehicle. CBPO Farrier asked GASTELUM to open the trunk of the vehicle. GASTELUM exited the vehicle and opened the trunk. CBPO Farrier observed that GASTELUM looked anxious and avoided eye contact. CBPO Farrier referred the vehicle to the secondary inspection area.

CBP Canine Enforcement Officer (CEO) Pyburn was conducting a lot sweep with his Human/Narcotic Detector Dog (HNDD). HNDD alerted at the passenger door of the vehicle. CEO Pyburn advised CBPO M. Gastelum of his HNDD's alert.

CBPO Gastelum received a negative Customs declaration from GASTELUM. During routine questioning, GASTELUM stated that he was going to El Centro, CA to work, that he owned the vehicle and that he crosses the border everyday. During the secondary inspection, CBPO Gastelum found two packages hidden in the cargo area, covered with clothing. CBPO Gastelum escorted GASTELUM to the vehicle secondary office where a patdown search was conducted with negative results.

A subsequent inspection by CBPO CBPO Gastelum revealed additional packages located under the front and rear seats of the vehicle. One of the packages was probed and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The packages had a combined net weight of approximately 21.16 kilograms (46.552 pounds).

GASTELUM was advised of his rights per Miranda. GASTELUM stated he understood his rights and was willing to answer questions without an attorney present. GASTELUM stated was to be paid $500.00 for smuggling the marijuana into the United States.